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Sub B1 Amend
placing into said liquid a vessel comprising cells in a second liquid at an alkaline pH; and
subjecting said cells to ultrasonic energy from said sonic bath of sufficient power and duration to cause disruption of said cells in the absence of beads.

Amend
--3 (amended). The method of claim [2] 1 wherein the temperature of said first liquid is about 65°C to about 75°C.

Remarks

The outstanding Office Action presented a rejection of claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Miller (U.S. Patent No. 3,771,354) in view of Wood et al. (U.S. Patent No. 5,693,500). It was alleged that "Miller teaches the technique of ultrasonic energy to be useful without beads (see columns 3-4, all lines)" and that "Wood et al. teach the use of a sonic bath to lyse cells of mycobacteria (see columns 6-7, all lines)." It was also alleged that it "would have been obvious to one of ordinary skill in the art at the time of applicants' invention to utilize the ultrasonic technique without beads as disclosed by Miller on the mycobacteria disclosed by Wood et al." It was then further alleged that "there would have been an expectation of a successful result while using Miller's technique on cells since Wood et al. clearly teach that ultrasonic energy has been used to disrupt cells but without the exclusion of beads."

The Applicants believe that this rejection of the claims of the present application has been adequately addressed in the Response mailed on December 30, 1998. However, the Applicants have just become aware of a reference to Buck *et al.*, J. Clin. Microbiol., 30, 1331-1334 (1992), which is submitted for the Examiner's review in an Information Disclosure Statement filed on even date herewith.

Thus, claim 1 of the present application has been amended to include the recitation that the second liquid be of an alkaline pH. This recitation was originally found in now canceled claim 2.